

### **Remarks**

Claims 1-28 have been cancelled without prejudice. Claim 29-48 have been added. Claims 29-48 remain pending in the application for consideration.

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

### **§101 Rejection**

Claims 26-28 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicant has cancelled Claims 26-28 without prejudice. Accordingly, the Office's rejection of Claims 26-28 is now moot.

### **§103 Rejection**

Claims 1-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,611,686 to Smith et al. (hereinafter "Smith") in view of U.S. Patent No. 6,222,449 to Twining (hereinafter "Twining").

Applicant has cancelled Claims 1-28, therefore the rejection of Claims 1-28 is now moot. Applicant respectfully submits that Claims 29-48 are allowable over Smith in view of Twining.

Before discussing how Claims 29-48 are allowable, the following discussion of Smith and Twining is provided.

### **The Smith Reference**

Smith is directed to a monitoring device for monitoring and tracking targets (*i.e.*, vehicles, trains, ships, persons, buildings, etc.). The monitoring device communicates with a server via a pager network and sends signals denoting target events (*e.g.*, air bag deployment) to the server. The server may be accessed by clients over the internet or by other forms of communication.

### **The Twining Reference**

Twining is directed to a portable recording device for collecting fishing and hunting information at various locations. The portable recording device includes sensors for measuring environmental conditions and other physical properties, a storage device for storing data, and a display for displaying the stored data.

### **The Claims**

Claims 29 recites a system, comprising:

- a server system configured to:
  - communicate with one or more remote distributed devices, the one or more remote distributed devices configured to receive data from at least one environmental sensor;
  - incentivize the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices; and
  - receive the environmental data and the location data from the one or more remote distributed devices.

Smith and Twining, either alone or in combination, fail to disclose, teach, or suggest a server system configured to “incentivize the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices”, as recite by Claim 29.

The Office cites to Column 13, lines 12-27 of Smith for teaching the recited element. Smith instructs that “[t]o illustrate a typical operation, numerous different clients such as client 108 may long on to the system 100 over the Internet, through a modem connection, or other connection. Client 108 does not need to have a computer and may simply call an operator by telephone, radio, two way pager, or other communications means. At any rate, client 108 contacts system 106 to request information, in response to a message from system 100, *to send a command to one or more monitoring units*, or for other such reasons. For instance, assume client 108 has four vehicles that are being monitored and supplies the appropriate identification number. He may then wish to know the whereabouts of each vehicle. This request may be received by network or Internet connection 110 of server 104. Server 104 contacts database 106, perhaps using an Internet connection or other connection, and database 106 places the message on a table of outgoing messages... Server program 112 takes the message from the table of outgoing messages in the database and sends the message to transmitter 106 with the correct PIN numbers for identification of the particular four monitoring units to be contacted. The message is then sent out, and due to the

identification numbers, the appropriate four monitoring units 10 respond to the request...”

Thus, Smith teaches that a client contacts the system to request information from four monitoring units associated with four vehicles. A system server receives the client’s request and sends it to a database which places the request in a table of outgoing messages. The server then sends the message to the transmitter which transmits the message along with PIN numbers identifying the monitoring units. The monitoring units respond to the message by providing their locations. Smith also teaches that the client sends a *command* to the four monitoring units to provide their locations.

There is nothing in the cited section, as well as the entire Smith reference that discloses, teaches, or suggests a server system configured to “*incentivize the one or more remote distributed devices* to provide environmental data and location data...” The recited element is simply missing. Twining fails to cure the deficiency of Smith.

Accordingly, Smith and Twining, either alone or in combination, fail to disclose, teach, or suggest a server system configured to “incentivize the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices”, as recited in Claim 29.

For at least this reason, Claim 29 is allowable.

**Claims 30-36** depend from Claim 29 and are allowable by virtue of their dependency from Claim 29, as well as for the additional features that they recite.

**Claim 37** recites a method, comprising:

- identifying one or more remote distributed devices configured to sense an environmental condition;
- incentivizing the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices;
- receiving environmental data and location data from the one or more remote distributed devices; and
- configuring a distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices.

Smith and Twining, fail to disclose, teach, or suggest a method comprising “incentivizing the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices”, as recited by Claim 37.

As discussed above, Smith teaches that a client contacts the system to request information from four monitoring units associated with four vehicles. A system server sends the message to a transmitter which transmits the message along with PIN numbers identifying the monitoring units. The monitoring units respond to the message by providing their locations.

The cited section, as well as the entire Smith reference fails to disclose, teach, or suggest “*incentivizing* the one or more remote distributed

devices to provide environmental data ...” The recited element is simply missing. Twining fails to cure the deficiency of Smith.

Accordingly, Smith and Twining, either alone or in combination, fail to disclose, teach, or suggest a method comprising “incentivizing the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices”, as recited by Claim 37.

Smith and Twining also fail to disclose, teach, or suggest a method comprising “configuring the distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices”, as recited in Claim 37.

The Office cites to Column 13, lines 30-45 of Smith for teaching the recited element. Smith teaches that “server program 112 takes the message from the table of outgoing messages in database 106, and sends the message to transmitter 106 with the correct pin numbers for identification of the particular four monitoring units to be contacted. The message is then sent out and, due to the identification numbers, the appropriate four monitoring units 10 respond to the request, as discussed above. Thus, *the monitoring units 10 provide updated location information* that is received by the receiver/transmitter system 102. Server program 112 takes these messages from the pin data storage location and sends them to database 106 where they are placed in the table of incoming messages. *The client has requested the results sent to him, so the information goes to*

*server 110 and then to client 108.* Client 108 may view the information in different ways”.

In other words, the monitoring units provide updated location information in response to a *client's request*. Since the client doesn't know the location of the distributed devices, the distributed devices cannot be “*selected ...based in part on a location of the one or more remote distributed devices*”. Furthermore, since the locations to the remote distributed devices are unknown, a distributed processing system cannot be “*configure[ed]... by selecting one or more remote distributed devices based in part on [their] location...*”

The cited section, as well as the entire Smith reference fails to teach or suggest “configuring the distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices”. Twining fails to cure the deficiency of Smith.

Accordingly, Smith and Twining, either alone or in combination, fail to disclose, teach, or suggest a method comprising “configuring the distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices”, as recited in Claim 37.

For at least the reasons discussed above, Claim 37 is allowable.

**Claims 38-42** depend from Claim 37 and are allowable by virtue of their dependency from Claim 37, as well as for the additional features that they recite.

**Claim 43** recites a tangible computer-readable medium having instructions stored thereon, the instructions comprising:

- instructions to receive a beneficial incentive to form a sensor based distributed processing system, wherein the sensor based distributed processing system is formed by coupling one or more remote environmental sensors to a remote distributed device;
- instructions to measure at least one environmental condition with the one or more remote environmental sensors coupled to the remote distributed device;
- instructions to determine a location of the remote distributed device; and
- instructions to transmit to environmental data corresponding to the at least one measured environmental condition, location data corresponding to the remote distributed device, and an identifier corresponding to the one or more remote environmental sensors.

During the interview, the Examiner stated that she could not find support for this claim in the Applicant's specification. Applicant respectfully submits that support for Claim 43 can be found at least in Figure 2 and Page 16, lines 12-21 of the Applicant's specification. Applicant's specification instructs that "Fig. 2 is a block diagram for processing element within a client system 108. In this diagram, the client system 108 is contemplated as a *personal computer*. In a personal computer, an internal bus 260 would typically have a variety of different devices connected to it...other types of devices maybe connected, such as *hard drives, which provide disk storage capabilities...*" Accordingly, "a tangible computer-readable medium having instructions stored thereon," is supported at least by this subject matter in Applicant's specification.

Smith and Twining fail to disclose, teach, or suggest a computer readable storage medium comprising "instructions to receive a beneficial incentive to form



a sensor based distributed processing system, wherein the sensor based distributed processing system is formed by coupling one or more remote environmental sensors to a remote distributed device”, as recited in Claim 43.

As discussed above, Smith teaches that a client contacts the system to request information from four monitoring units associated with four vehicles. A system server sends the message to a transmitter which transmits the message along with PIN numbers identifying the monitoring units. The monitoring units respond to the message by providing their locations.

The cited section, as well as the entire Smith reference fails to disclose, teach, or suggest “instructions to receive a *beneficial incentive* to form a sensor based distributed processing system ...” The recited element is simply missing. Twining fails to cure the deficiency of Smith.

Accordingly, Smith and Twining, either alone or in combination, fail to disclose, teach, or suggest a tangible computer-readable storage medium comprising “instructions to receive a beneficial incentive to form a sensor based distributed processing system, wherein the sensor based distributed processing system is formed by coupling one or more remote environmental sensors to a remote distributed device”, as recited by Claim 43.

For at least this reason, Claim 43 is allowable.

44-48 depend from Claims 43 and are allowable based on their dependency from Claim 43, as well as for the features they recite.

### Motivation to Combine

In addition to the lack of a *prima facie* case of obviousness for reasons discussed above, the Office's motivation to combine these references is misplaced for at least the following reasons.

The motivation relied upon by the Office for combining Smith and Twining is as follows:

Smith fails to expressly disclose that the sensors include one environmental sensor to generate environmental data. Nonetheless, this was a well know feature in the art at the time of the invention as further evidenced by Twining. (Office Action Page 5)

The motivation cited by the Office, that environmental sensors were a well known feature in the art at the time of the invention, is irrelevant.

Smith is concerned with "a system and method for remote tracking, control, and logistics at *greatly reduced levels of capital investment* ... as well as being *operable for a fraction of the operating cost* of systems so as to be *widely affordable*" (Background of the Invention).

Moreover, Smith is concerned with the *location of articles* (i.e., vehicles, trains, cargo ships, persons, etc), not the *environmental conditions* surrounding these articles.

Given Smith's emphasis on reduced capital investment and low operating cost, one of ordinary skill in the art would not add unnecessary or unneeded environmental sensors to Smith's tracking system since it would undoubtedly add cost and complexity to the system. In point of fact, Smith's emphasis on reduced

capital investment and low operating cost “teaches away” from adding environmental sensing to its remote tracking system.

In addition, this would undoubtedly change Smith’s operating principles and require a modification of Smith’s functionality. “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to render the claims *prima facie* obvious” In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (MPEP 2143.01).

Accordingly, Applicant respectfully submits that there is no motivation to combine these references.

**Conclusion**

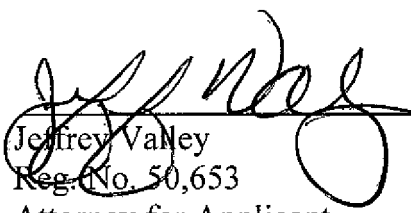
Applicant respectfully submits that Claims 29-48 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter remain unresolved, the undersigned respectfully requests a telephone conference with the Examiner to resolve any outstanding matter.

Respectfully Submitted,

Date:

2/6/09

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